

19-422 COLLINS V. YELLEN, SECRETARY OF TREASURY

DECISION BELOW: 938 F.3d 553

LOWER COURT CASE NUMBER: 17-20364

QUESTION PRESENTED:

In 2008, Congress created the Federal Housing Finance Agency (FHFA) - an "independent" agency with sweeping authority over the housing finance system. 12 U.S.C. § 4511(a). Unlike every other independent agency except the Consumer Financial Protection Bureau, FHFA is headed by a single Director who can only be removed for cause by the President and is exempt from the congressional appropriations process. 12 U.S.C. §§ 4512(b)(2), 4516(f)(2). The questions presented are:

1. Whether FHFA's structure violates the separation of powers; and
2. Whether the courts must set aside a final agency action that FHFA took when it was unconstitutionally structured and strike down the statutory provisions that make FHFA independent.

CONSOLIDATED WITH 19-563 FOR ONE HOUR ORAL ARGUMENT.

ORDER OF AUGUST 17, 2020:

AARON NIELSON, ESQUIRE, OF PROVO, UTAH, IS INVITED TO BRIEF AND ARGUE, AS *AMICUS CURIAE*, IN SUPPORT OF THE POSITION THAT THE STRUCTURE OF THE FEDERAL HOUSING FINANCE AGENCY DOES NOT VIOLATE THE SEPARATION OF POWERS.

CERT. GRANTED 7/9/2020